

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,

Plaintiff;

v.

Adrian Dunn,

Defendant.

Case No.09-CR-00188-4-BCW

**UNITED STATES' MOTION TO ASSIGN A CIVIL CASE NUMBER  
TO DEFENDANT DUNN'S MOTION TO SET ASIDE FORFEITURE,  
WITH SUGGESTIONS IN SUPPORT**

The United States of America, by its attorneys, Tammy Dickinson, United States Attorney, and James Curt Bohling, Assistant United States Attorney and Chief, Monetary Penalties Unit, moves for the assignment of a civil case number to defendant Adrian Dunn's motion to set aside forfeiture. In support of this Motion, the United States provides the following suggestions in support:

On February 27, 2015, defendant Adrian Dunn filed a motion pursuant to 18 U.S.C. § 983(e) to set aside certain administrative forfeiture actions by the United States Department of Homeland Security, U.S. Customs and Border Protection ("CBP"). Administrative forfeiture is a civil remedy, not a criminal one. *Serrano v. United States*, 2012 WL 3966321 (S.D.N.Y. Sept. 10, 2012) (administrative forfeitures are civil in nature and governed by the Customs laws; Rule 32.2 does not apply). Consequently, a motion under 18 U.S.C. § 983(e) to set aside an administrative forfeiture is itself a civil proceeding. *See*

18 U.S.C. § 983(3)(1) and (5). The United States therefore requests that Dunn's motion be given a civil number by the Court and treated as a new civil proceeding.

As a new civil proceeding, the United States is accorded 60 days under the Federal Rules of Civil Procedure in which to respond. *United States v. Gonzalez-Gonzalez*, 257 F.3d 31, 36 (1st Cir. 2001) (Government has 60 days to respond to complaint that property was forfeited without proper notice).

### CONCLUSION

For the reasons set forth above, the United States requests that the Court designate defendant Dunn's motion to set aside CBP's administrative forfeiture proceedings as a new civil case.

Tammy Dickinson  
United States Attorney

By */s/ James Curt Bohling*

James Curt Bohling  
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Assistant United States Attorney  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2015, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, and was also served by mail upon:

Adrian L. Dunn, #21571-045  
F.C.I. Oakdale-Louisiana  
P.O. Box 5000  
Oakdale, Louisiana 71463

*/s/ James Curt Bohling*

James Curt Bohling  
Chief, Monetary Penalties Unit  
Assistant United States Attorney